No. 18-302

# In the Supreme Court of the United States

ANDREI IANCU, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE, PETITIONER

*v.*

ERIK BRUNETTI

*ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT*

## JOINT APPENDIX


NOEL J. FRANCISCO
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*Department of Justice*
*Washington, D.C. 20530-0001*
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*(202) 514-2217*

*Counsel of Record for Petitioner*

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*Counsel of Record for Respondent*



**PETITION FOR A WRIT OF CERTIORARI FILED: SEPT. 7, 2018**
**CERTIORARI GRANTED: JAN. 4, 2019**

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UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

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Docket No. 15-1109

IN RE: ERIK BRUNETTI, APPELLANT

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**DOCKET ENTRIES**

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| 10/28/14 | 1 | Appeal docketed. Date received: 09/22/2014. [193163] Entry of Appearance due 11/12/2014. Docketing Statement due 12/01/2014. Appellant/Petitioner's brief is due 12/29/2014. |
| | * * * * * | |
| 11/26/14 | 8 | Docketing Statement for the Appellee Lee. Service: 11/26/2014 by email. [200312] |
| | * * * * * | |
| 12/30/14 | 18 | Corrected Certificate of Interest for the Appellant Erik Brunetti. Service: 12/30/2014 by email. [206741] |
| 12/30/14 | 19 | Corrected Docketing Statement for the Appellant Erik Brunetti. Service: 12/30/2014 by email. [206742] |

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| | | * * * * * |
| 1/28/15 | 22 | BRIEF FILED for Appellant Erik Brunetti [21]. Number of Pages: 28. Service: 01/28/2015 by email. Pursuant to ECF-10, filer is directed to file six copies of the brief in paper format. The paper copies of the brief should be received by the court on or before 02/03/2015. Appellee Michelle K. Lee, Deputy Director, U.S. Patent and Trademark Office brief is due 03/12/2015. [213507] |
| | | * * * * * |
| 5/11/15 | 31 | BRIEF FILED for Appellee Lee [30]. Number of Pages: .23. Service: 05/11/2015 by email. Pursuant to ECF-10, filer is directed to file six copies of the brief in paper format. The paper copies of the brief should be received by the court on or before 05/18/2015. Appellant Erik Brunetti reply brief is due 05/29/2015. [239784] |
| | | * * * * * |
| 5/29/15 | 37 | REPLY BRIEF FILED for Appellant Erik Brunetti [35]. |

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| | | Number of Pages: 12. Service: 05/29/2015 by email. Pursuant to ECF-10, filer is directed to file six copies of the brief in paper format. The paper copies of the brief should be received by the court on or before 06/08/2015. Appendix is due 06/08/2015. [245274] |
| | | * * * * * |
| 6/12/15 | 40 | APPENDIX FILED for Erik Brunetti [38]. Number of Pages: 464. Service: 06/12/2015 by email. Pursuant to ECF-10, filer is directed to file six copies of the brief in paper format. The paper copies of the brief should be received by the court on or before 06/22/2015. [249250] |
| | | * * * * * |
| 11/6/15 | 50 | Submitted after ORAL ARGUMENT by John R. Sommer for Erik Brunetti and Daniel Tenny for Lee. Panel: Judge: Dyk, Judge: Moore, Judge: Stoll. [287135] |
| 12/22/15 | 51 | ORDER filed setting briefing schedule. The parties are directed to simultaneously file |

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| | | letter briefs limited to 20 double-spaced pages, due within 30 days of this order. Appellant/ Petitioner's brief is due 01/21/ 2016. Appellee Michelle K. Lee, Director, U.S. Patent and Trademark Office brief is due 01/21/2016. By: Clerk (Per Curiam). Service as of this date by Clerk of Court. [298046] |
| 1/21/16 | 52 | Letter from Appellee Lee Responding to Court Order of December 22, 2015. Service: 01/21/2016 by email. [305270] |
| 1/21/16 | 53 | Letter from Appellant Erik Brunetti Appellant Brunetti's Letter Brief responding to Court Order of December 22, 2015. Service: 01/21/2016 by email. [305324] |
| 4/22/16 | 54 | Citation of Supplemental Authority pursuant to Fed. R. App. P. 28(j) for Appellee Lee. Service: 04/22/2016 by email. [328735] |
| 10/18/16 | 55 | Letter from Appellant Erik Brunetti re Request for Decision. Service: 10/18/2016 by email. [375618] |

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| | | * * * * * |
| 6/20/17 | 58 | ORDER filed requesting Letter Briefs. The parties are instructed to file letter briefs limited to 20 double-spaced pages. By: Court (Per Curiam). Service as of this date by Clerk of Court. [440880] |
| | | * * * * * |
| 7/20/17 | 60 | BRIEF FILED (LETTER) of Appellee Joseph Matal [59] Number of Pages: 20. Service: 07/20/2017 by email. The paper copies of the brief should be received by the court on or before 07/28/2017. [448357] |
| | | * * * * * |
| 8/9/17 | 70 | BRIEF FILED (LETTER) of Appellant Erik Brunetti [69] Number of Pages: 14. Service: 08/09/2017 by email. The paper copies of the brief should be received by the court on or before 08/17/2017. [452879] |
| | | * * * * * |
| 8/29/17 | 73 | Submitted after ORAL ARGUMENT by John R. Sommer for Erik Brunetti and Joshua Marc Salzman for Joseph Matal. |

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| | | Panel: Judge: Dyk, Judge: Moore, Judge: Stoll. [457411] |
| 12/15/17 | 74 | OPINION and JUDGMENT filed. The judgment or decision is: Reversed. (Precedential Opinion). (For the Court: Dyk, Circuit Judge; Moore, Circuit Judge and Stoll, Circuit Judge). Concurring opinion filed by Circuit Judge Dyk. [482888] |
| | | * * * * * |
| 2/12/18 | 77 | Petition for en banc rehearing filed by Appellee Iancu. Service: 02/12/2018 by email. *The paper copies of the petition must be filed within two business days (see Fed. Cir. R. 35(c)(4). The required paper copies should be received by the court on or before 02/14/2018* [497086] |
| | | * * * * * |
| 2/26/18 | 79 | The court invites a response from Appellant Erik Brunetti to the petition for en banc rehearing filed by Appellee in 15-1109. [501020] |
| 3/12/18 | 80 | RESPONSE of Appellant Erik Brunetti to the petition for en banc rehearing [77] filed by |

| DATE | DOCKET NUMBER | PROCEEDINGS |
|---|---|---|
| | | Appellee Iancu in 15-1109. Service: 03/12/2018 by email. [504409] |
| | | * * * * * |
| 4/12/18 | 82 | ORDER filed denying [77] petition for en banc rehearing filed by Iancu. By: En Banc (Per Curiam). Service as of this date by the Clerk of Court. [512775] |
| 4/19/18 | 83 | Mandate issued to the United States Patent and Trademark Office. Service as of this date by the Clerk of Court. [515355] |
| | | * * * * * |
| 9/7/18 | 86 | Petition for writ of Certiorari filed on 09/07/2018, and placed on the docket 09/07/2018, in the Supreme Court of the United States. Supreme Court #: 18-302, Andrei Iancu v. Erik Brunetti. [548629] |

**Trademark/Service Mark Application, Principal Register**

**TEAS Plus Application**

**Serial Number: 85310960**
**Filing Date: 05/03/2011**

***NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.***

---

**The table below presents the data as entered.**

| Input Field | Entered |
|---|---|
| **TEAS Plus** | YES |
| **MARK INFORMATION** | |
| *MARK | fuct |
| *STANDARD CHARACTERS | YES |
| USPTO-GENERATED IMAGE | YES |
| LITERAL ELEMENT | fuct |
| *MARK STATEMENT | The mark consists of standard characters, without claim to any particular font, style, size, or color. |
| **REGISTER** | Principal |
| **APPLICANT INFORMATION** | |
| *OWNER OF MARK | David Gollup |

| Input Field | Entered |
|---|---|
| INTERNAL ADDRESS | 4315 Farm Brook Dr. |
| *STREET | 4315 Farm Brook Dr. |
| *CITY | Cary |
| *STATE (Required for U.S. applicants) | North Carolina |
| *COUNTRY | United States |
| *ZIP/POSTAL CODE (Required for U.S. applicants only) | 27518 |
| PHONE | 9196292657 |
| EMAIL ADDRESS | mostextreme@gmail.com |
| AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| **LEGAL ENTITY INFORMATION** | |
| *TYPE | JOINT VENTURE |
| *STATE/COUNTRY WHERE LEGALLY ORGANIZED | North Carolina |
| **APPLICANT INFORMATION** | |
| *OWNER OF MARK | Christopher Maclachlan |
| INTERNAL ADDRESS | Apartment 1C |
| *STREET | 107 Arbor Way |
| CITY | Cary |
| *STATE (Required for U.S. applicants) | North Carolina |
| *COUNTRY | United States |
| *ZIP/POSTAL CODE (Required for U.S. applicants only) | 27513 |

| Input Field | Entered |
|---|---|
| PHONE | 919--349-1195 |
| EMAIL ADDRESS | ezenuf@nc.rr.com |
| AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| **LEGAL ENTITY INFORMATION** | |
| *TYPE | JOINT VENTURE |
| *STATE/COUNTRY WHERE LEGALLY ORGANIZED | North Carolina |
| **GOODS AND/OR SERVICES AND BASIS INFORMATION** | |
| *INTERNATIONAL CLASS | 025 |
| IDENTIFICATION | Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments |
| *FILING BASIS | SECTION 1(b) |
| **ADDITIONAL STATEMENTS INFORMATION** | |
| *TRANSLATION (if applicable) | |
| *TRANSLITERATION (if applicable) | |
| *CLAIMED PRIOR REGISTRATION (if applicable) | |
| *CONSENT (NAME/LIKENESS) | |

| Input Field | Entered |
|---|---|
| (if applicable) | |
| *CONCURRENT USE CLAIM (if applicable) | |
| **CORRESPONDENCE INFORMATION** | |
| *NAME | David Gollup |
| FIRM NAME | David Gollup |
| *STREET | 4315 Farm Brook Dr. |
| *CITY | Cary |
| *STATE (Required for U.S. applicants) | North Carolina |
| *COUNTRY | United States |
| *ZIP/POSTAL CODE | 27518 |
| PHONE | 9196292657 |
| *EMAIL ADDRESS | mostextreme@gmail.com |
| *AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| **FEE INFORMATION** | |
| NUMBER OF CLASSES | 1 |
| FEE PER CLASS | 275 |
| *TOTAL FEE PAID | 275 |
| **SIGNATURE INFORMATION** | |
| *SIGNATURE | /David Gollup/ |
| *SIGNATORY'S NAME | David Gollup |
| *SIGNATORY'S POSITION | partner |
| *DATE SIGNED | 05/03/2011 |

| Input Field | Entered |
|---|---|
| *SIGNATURE | /Chris Maclachlan/ |
| *SIGNATORY'S NAME | Chris Maclachlan |
| *SIGNATORY'S POSITION | partner |
| *DATE SIGNED | 05/03/2011 |

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

**Trademark/Service Mark Application, Principal Register**

**TEAS Plus Application**

**Serial Number: 85310960**
**Filing Date: 05/03/2011**

**To the Commissioner for Trademarks:**

**MARK:** fuct (Standard Characters, see mark)

The literal element of the mark consists of fuct.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicants, David Gollup, a joint venture legally organized under the laws of North Carolina, having an address of

4315 Farm Brook Dr.,
4315 Farm Brook Dr.
Cary, North Carolina 27518
United States

Christopher Maclachlan, a joint venture legally organized under the laws of North Carolina, having an address of

Apartment 1C,
107 Arbor Way
Cary, North Carolina 27513
United States

request registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the

Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 025: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

David Gollup
David Gollup
4315 Farm Brook Dr.
Cary, North Carolina 27518
9196292657(phone)
mostextreme@gmail.com (authorized)

A fee payment in the amount of $275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly autho-

rized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /David Gollup/ Date Signed: 05/03/2011
Signatory's Name: David Gollup
Signatory's Position: partner

Signature: /Chris Maclachlan/ Date Signed: 05/03/2011
Signatory's Name: Chris Maclachlan
Signatory's Position: partner

RAM Sale Number: 914
RAM Accounting Date: 05/04/2011

Serial Number: 85310960
Internet Transmission Date: Tue May 03 14:41:55 EDT 2011
TEAS Stamp: USPTO/FTK-174.97.252.61-20110503144155970902-85310960-4806e3aff2198b7f751eb9a3df16792a3e9-CC-914-20110503134638164090

# fuct

| | |
|---|---|
| **To:** | BRUNETTI, ERIK (sommer@stussy.com) |
| **Subject:** | U.S. TRADEMARK APPLICATION NO. 85310960 - FUCT - N/A |
| **Sent:** | 7/3/2012 7:38:07 AM |
| **Sent As:** | ECOM111@USPTO.GOV |
| **Attachments:** | Attachment - 1<br>Attachment - 2<br>Attachment - 3<br>Attachment - 4<br>Attachment - 5<br>Attachment - 6 |

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85310960

**MARK:** FUCT

***85310960***

**CLICK HERE TO RESPOND TO THIS LETTER**
http://www.uspto.gov/trademarks/teas/response_forms.jsp

**CORRESPONDENT ADDRESS:**
John R. Sommer
John R. Sommer, Attorney-at-Law
17426 Daimler Street
Irvine CA 92614

**APPLICANT:** BRUNETTI, ERIK

**CORRESPONDENT'S REFERENCE/DOCKET NO:**
N/A

**CORRESPONDENT E-MAIL ADDRESS:**
sommer@stussy.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 7/3/2012**

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. § 2.23(a)(1). For a complete list of these documents, see TMEP § 819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. § 2.23(a)(2); TMEP §§ 819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of $50 per international class of goods and/or services. 37 C.F.R. § 2.6(a)(1)(iv); TMEP § 819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been further reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. § 1062(b); 37 C.F.R. §§ 2.62(a), 2.65(a);

TMEP §§ 711, 718.03. The application is unregistrable. The term FUCT is a novel spelling of a disparaging restricted vulgar term. There have been several attempts to register this term for several years but it has usually failed. **A good example is the dead application No. 78931017.** The examining attorney apologizes for not raising this issue in the previous office action. The term is obviously unregistrable as indicated below.

**REFUSAL—MARK IS A VULGAR TERM**

Registration is refused because the applied-for mark consists of or includes immoral or scandalous matter. Trademark Act Section 2(a), 15 U.S.C. § 1052(a); *see* TMEP § 1203.01.

The words "immoral" and "scandalous" may have somewhat different connotations; however, immoral matter has been included in the same category as scandalous matter. TMEP § 1203.01; *see In re McGinley*, 660 F.2d 481, 484 n.6, 211 USPQ 668, 673 n.6 (C.C.P.A. 1981) (Because of the court's holding that appellant's mark was scandalous, "it [was] unnecessary to consider whether appellant's mark [was] 'immoral.' [The court] note[d] the dearth of reported trademark decisions in which the term 'immoral' [had] been directly applied.").

To be considered "scandalous," the evidence must show that a mark would be considered shocking to the sense of decency or propriety, giving offense to the conscience or moral feelings, or calling out for condemnation. *In re Mavety Media Grp. Ltd.*, 33 F.3d 1367, 1371, 31 USPQ2d 1923, 1925 (Fed. Cir. 1994); *In re Wilcher Corp.*, 40 USPQ2d 1929, 1930 (TTAB 1996); *see* TMEP § 1203.01.

A mark is immoral or scandalous when the evidence shows that a substantial composite of the general public (although not necessarily a majority) would consider the mark to be scandalous in the context of contemporary attitudes and the relevant marketplace. *See In re The Boulevard Entm't, Inc.*, 334 F.3d 1336, 1340, 67 USPQ2d 1475, 1477 (Fed. Cir. 2003); *In re Luxuria s.r.o.*, 100 USPQ2d 1146, 1148 (TTAB 2011); TMEP § 1203.01.

In this case, applicant seeks registration of FUCT for "athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments." The attached evidence from Urban Dictionary shows this wording is the "past tense of the verb fuck. Also used to express a general state of incapability." Therefore, the word FUCT is scandalous because it is disparaging and a total vulgar. It is unregistrable.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. § 2.191; TMEP §§ 304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining

attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§ 705.02, 709.06.

/Zachary Bello/
Attorney Advisor
Law Office 111
USPTO
571-272-9376
zack.bello@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to his application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at http://tarr.uspto.gov/. Please keep a copy of the

complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at http://www.uspto.gov/teas/eTEASpageE.htm.

| | |
|---|---|
| **To:** | BRUNETTI, ERIK (sommer@stussy.com) |
| **Subject:** | U.S. TRADEMARK APPLICATION NO. 85310960 - FUCT - fuct,25 |
| **Sent:** | 1/27/2013 11:15:31 AM |
| **Sent As:** | ECOM111@USPTO.GOV |
| **Attachments:** | Attachment - 1<br>Attachment - 2<br>Attachment - 3<br>Attachment - 4<br>Attachment - 5<br>Attachment - 6<br>Attachment - 7<br>Attachment - 8<br>Attachment - 9<br>Attachment - 10<br>Attachment - 11<br>Attachment - 12<br>Attachment - 13<br>Attachment - 14<br>Attachment - 15<br>Attachment - 16<br>Attachment - 17<br>Attachment - 18<br>Attachment - 19<br>Attachment - 20<br>Attachment - 21<br>Attachment - 22<br>Attachment - 23<br>Attachment - 24<br>Attachment - 25<br>Attachment - 26<br>Attachment - 27 |

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Attachment - 53

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**
**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85310960

**MARK:** FUCT

***85310960***

**CLICK HERE TO RESPOND TO THIS LETTER**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

**CORRESPONDENT ADDRESS:**

JOHN R. SOMMER
JOHN R. SOMMER, ATTORNEY-AT-LAW
17426 DAIMLER STREET
IRVINE CA 92614

**APPLICANT:** BRUNETTI, ERIK

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

fuct,25

**CORRESPONDENT E-MAIL ADDRESS:**
sommer@stussy.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:** 1/27/2013

**THIS IS A FINAL ACTION.**

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. § 2.23(a)(1). For a complete list of these documents, see TMEP § 819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. § 2.23(a)(2); TMEP §§ 819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of $50 per international class of goods and/or services. 37 C.F.R. § 2.6(a)(1)(iv); TMEP § 819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

This Office action is in response to applicant's communication filed on 01/02/13.

**FINAL REFUSAL—MARK IS A VULGAR TERM**

Registration is refused because the applied-for mark consists of or includes immoral or scandalous matter. Trademark Act Section 2(a), 15 U.S.C. § 1052(a); *see* TMEP § 1203.01. The term, which is the past tense of FUCK, is unregistrable because it is immoral and scandalous. Evidence included in the office action of 07/03/12.

The words "immoral" and "scandalous" may have somewhat different connotations; however, immoral matter has been included in the same category as scandalous

matter. TMEP § 1203.01; *see In re McGinley*, 660 F.2d 481, 484 n.6, 211 USPQ 668, 673 n.6 (C.C.P.A. 1981) (Because of the court's holding that appellant's mark was scandalous, "it [was] unnecessary to consider whether appellant's mark [was] 'immoral.' [The court] note[d] the dearth of reported trademark decisions in which the term 'immoral' [had] been directly applied.").

To be considered "scandalous," the evidence must show that a mark would be considered shocking to the sense of decency or propriety, giving offense to the conscience or moral feelings, or calling out for condemnation. *In re Mavety Media Grp. Ltd.*, 33 F.3d 1367, 1371, 31 USPQ2d 1923, 1925 (Fed. Cir. 1994); *In re Wilcher Corp.*, 40 USPQ2d 1929, 1930 (TTAB 1996); *see* TMEP § 1203.01.

A mark is immoral or scandalous when the evidence shows that a substantial composite of the general public (although not necessarily a majority) would consider the mark to be scandalous in the context of contemporary attitudes and the relevant marketplace. *See In re The Boulevard Entm't, Inc.*, 334 F.3d 1336, 1340, 67 USPQ2d 1475, 1477 (Fed. Cir. 2003); *In re Luxuria s.r.o.*, 100 USPQ2d 1146, 1148 (TTAB 2011); TMEP § 1203.01.

In this case, applicant seeks registration of FUCT for "athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments." The attached evidence from Urban Dictionary shows this wording is the "past tense of the verb fuck. Also used to express a general state of incapability." Therefore, the word FUCT is scandalous because it is disparaging and a total vulgar. The

proposed mark is therefore, unregistrable under Section 2(a).

The applicant admits that the term is vulgar but argues it has an alternative meaning, i.e., SCREWED. The term SCREWED is also a vulgar according to many dictionaries. See attachments of the term. Also, applicant has used the term FUCT in a vulgar manner as indicated on applicant websites. See attachments labeled BEST 1-17. Where a word or phrase has multiple relevant meanings, at least one of which is arguably scandalous and at least one not, specimen use or a design element that reinforces the scandalous meaning(s) is persuasive evidence that a substantial composite of the general public will consider the term or phrase scandalous. *In re Wilcher Corp.*, 40 USPQ2d 1929, 1933-34 (TTAB 1996) (holding application for DICK HEADS with accompanying design scandalous where the design portion comprised "a graphic, readily recognizable representation of male genitalia," and thus "the vulgar significance of applicant's mark . . . plays a very dominant role in the commercial impression created by the mark"); *see* TMEP § 1203.01; *cf. In re Hershey*, 6 USPQ2d 1470, 1472 (TTAB 1988) (holding BIG PECKER not scandalous where specimens of record showed use of the mark in connection with a picture of a bird, thus reinforcing the non-scandalous meaning of PECKER as a bird). In the instant case, the applicant's indiscriminate vulgar use supports examiner's assertion.

Further, dictionary definitions alone may be sufficient to show that a term is vulgar if multiple dictionaries, including at least one standard dictionary, uniformly

indicate that the term's meaning is vulgar, and the applicant's use of the term is clearly limited to that vulgar meaning. *See In re The Boulevard Entm't, Inc.*, 334 F.3d at 1341, 67 USPQ2d at 1478 (holding 1-800-JACK-OFF and JACK-OFF scandalous where all dictionary definitions of "jack-off" were considered vulgar); *Boston Red Sox Baseball Club LP v. Sherman*, 88 USPQ2d 1581, 1588 (TTAB 2008) (holding SEX ROD in stylized form scandalous where multiple dictionary definitions of "rod" characterized that term vulgar, such that when preceded by the word "sex" denoted only one meaning); TMEP § 1203.01. Here, evidence from Urban Dictionary previously submitted is sufficient to conclude that the mark is unregistrable under Section 2(a). Accordingly, refusal to register under Section 2(a) is maintained and made FINAL.

**OPTIONS AFTER A FINAL REFUSAL OR REQUIREMENT**

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. § 1062(b); 37 C.F.R. § 2.65(a). Applicant may respond by providing one or both of the following:

(1) A response that fully satisfies all outstanding requirements;

(2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of $100 per class.

37 C.F.R. § 2.64(a); TMEP § 714.04; *see* 37 C.F.R. § 2.6(a)(18); TBMP ch. 1200.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. § 2.191; TMEP §§ 304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§ 705.02, 709.06.

/Zachary Bello/
Attorney Advisor
Law Office 111
USPTO
571-272-9376
zack.bello@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

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| Trademark Snap Shot Publication & Issue Review Stylesheet (Table presents the data on Publication & Issue Review Complete) | | | |
|---|---|---|---|
| **OVERVIEW** | | | |
| SERIAL NUMBER | 85310960 | FILING DATE | 05/03/2011 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADE-MARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | BELLO, ZACHARY R | L.O. ASSIGNED | 111 |
| **PUB INFORMATION** | | | |
| RUN DATE | 06/12/2012 | | |
| PUB DATE | 07/17/2012 | | |
| STATUS | 681-PUBLICATION/ISSUE REVIEW COMPLETE | | |
| STATUS DATE | 06/11/2012 | | |
| LITERAL MARK ELEMENT | FUCT | | |
| | | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | NO | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |

| | | | |
|---|---|---|---|
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

| FILING BASIS | | | | | |
|---|---|---|---|---|---|
| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
| 1 (a) | NO | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | YES | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

| MARK DATA | |
|---|---|
| STANDARD CHARACTER MARK | YES |
| LITERAL MARK ELEMENT | FUCT |
| MARK DRAWING CODE | 4-STANDARD CHARACTER MARK |
| COLOR DRAWING FLAG | NO |

| CURRENT OWNER INFORMATION | |
|---|---|
| PARTY TYPE | 11-SUBSEQUENT OWNER BEFORE PUBLICATION |
| NAME | BRUNETTI, ERIK |
| ADDRESS | 8033 SUNSET BLVD.<br>SUITE 146<br>LOS ANGELES, CA 90046 |
| ENTITY | 01-INDIVIDUAL |

| | |
|---|---|
| CITIZENSHIP | United States of America |

| GOODS AND SERVICES | |
|---|---|
| INTERNATIONAL CLASS | 025 |
| DESCRIPTION TEXT | Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments |

| GOODS AND SERVICES CLASSIFICATION | | | | | | | |
|---|---|---|---|---|---|---|---|
| INTERNATIONAL CLASS | 025 | FIRST USE DATE | 12/31/1991 | FIRST USE IN COMMERCE DATE | 12/31/1991 | CLASS STATUS | 6-ACTIVE |

| MISCELLANEOUS INFORMATION/STATEMENTS | |
|---|---|
| CHANGE IN REGISTRATION | NO |

**PROSECUTION HISTORY**

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|---|---|---|---|---|
| 06/11/2012 | PREV | O | LAW OFFICE PUBLICATION REVIEW COMPLETED | 027 |
| 06/06/2012 | ALIE | A | ASSIGNED TO LIE | 026 |
| 06/06/2012 | ALIE | A | ASSIGNED TO LIE | 025 |
| 05/22/2012 | AAUA | E | NOTICE OF ACCEPTANCE OF | 024 |

| | | | | |
|---|---|---|---|---|
| | | | AMENDMENT TO ALLEGE USE E-MAILED | |
| 05/20/2012 | CNSA | O | APPROVED FOR PUB-PRINCIPAL REGISTER | 023 |
| 05/20/2012 | IUAA | P | USE AMENDMENT ACCEPTED | 022 |
| 05/19/2012 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 021 |
| 05/18/2012 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 020 |
| 05/18/2012 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 019 |
| 05/19/2012 | AAUD | F | AMENDMENT OF ALLEGED USE DISAPPROVED | 018 |
| 05/19/2012 | AUPC | I | AMENDMENT TO USE PROCESSING COMPLETE | 017 |
| 05/19/2012 | IUAF | S | USE AMENDMENT FILED | 016 |
| 05/18/2012 | EAAU | I | TEAS AMENDMENT OF USE RECEIVED | 015 |
| 05/16/2012 | TCCA | I | TEAS CHANGE OF CORRESPONDENCE RECEIVED | 014 |
| 05/16/2012 | ASGN | I | AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP | 013 |
| 12/22/2011 | GNRN | O | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 012 |
| 12/22/2011 | GNRT | O | NON-FINAL ACTION E-MAILED | 011 |

| | | | | |
|---|---|---|---|---|
| 12/22/2011 | CNRT | R | NON-FINAL ACTION WRITTEN | 010 |
| 12/21/2011 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 009 |
| 12/20/2011 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 008 |
| 12/20/2011 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 007 |
| 08/16/2011 | GNRN | O | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 006 |
| 08/16/2011 | GNRT | F | NON-FINAL ACTION E-MAILED | 005 |
| 08/16/2011 | CNRT | R | NON-FINAL ACTION WRITTEN | 004 |
| 08/15/2011 | DOCK | D | ASSIGNED TO EXAMINER | 003 |
| 05/9/2011 | NWOS | I | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | 002 |
| 05/6/2011 | NWAP | I | NEW APPLICATION ENTERED IN TRAM | 001 |

| CURRENT CORRESPONDENCE INFORMATION | |
|---|---|
| ATTORNEY | NONE |
| CORRESPONDENCE ADDRESS | John R. Sommer<br>John R. Sommer,<br>Attorney-at-Law<br>17426 Daimler Street<br>Irvine CA 92614 |
| DOMESTIC REPRESENTATIVE | NONE |

| PRIOR OWNER INFORMATION | |
|---|---|
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | David Gollup |
| ADDRESS | 306B Hyde Park Court<br>4315 Farm Brook Dr.<br>Cary, NC 27513 |
| ENTITY | 01-INDIVIDUAL |
| CITIZENSHIP | United States of America |
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | Christopher Maclachlan |
| ADDRESS | Apartment 1C<br>107 Arbor Way<br>Cary, NC 27513 |
| ENTITY | 05-JOINT VENTURE |
| CITIZENSHIP | North Carolina |

**DECLARATION OF ERIK BRUNETTI**

I, Erik Brunetti, declare and say:

1. I make this declaration in connection with my trademark application for FUCT. My background is street culture. I was invited to create the piece "Lost" as part the 2011 Los Angeles Museum of Contemporary Art ("MOCA") "Art In The Streets" exhibition.

2. I am the founder, owner and creator of the FUCT street fashion brand. I have been its head designer from the inception of the brand until the present.

3. The brand was founded in 1990 as a street fashion brand, part of a movement that created edger clothing, such as Stussy and Hysteric Glamour.

4. The name of the FUCT brand is an arbitrary made up word. However, to the extent I am asked for a meaning I refer to FRIENDS U CAN'T TRUST. See, Exhibit "4."

5. The FUCT brand does not refer to "fuck" or the act of sexual intercourse.

6. In the 22 years since its creation, the FUCT brand has been sold throughout the United States and worldwide. The brand has been sold in a variety of retailers, from small skate and street fashion shops up to the worldwide retailer Urban Outfitters (see Exhibit 1 for background about Urban Outfitters) and the worldwide webstore KarmaLoop.Com (for background on KarmaLoop.Com see Exhibit 2).

7. FUCT's products do not show anything that refers to sexual intercourse. Nor does its blog. Exhibit "3."

In fact, there is very little in FUCT's products that could even be considered in bad taste.

8. In the 22 years of the brand's existence, it has received only one complaint about the brand being vulgar. That complaint was in the early 1990's. The absence of other complaints over 22 years, shows that FUCT is not viewed as vulgar or obscene or scandalous. None of the retailers that carry FUCT have told me that they have received complaints.

9. Other brands have done collaborations with FUCT, for example SSDD and Ebbetts Field Flannels. Exhibit "3" and Exhibit "5." Other brands that have done collaborations with FUCT are The Hundreds, David Mann, Larry Clark and Medicom.

10. They would not have done so had so had FUCT been vulgar or scandalous or obscene.

11. Even if FUCT is considered equivalent to FUCKED or FUCKED UP, those uses are not vulgar. Exhibit "6."

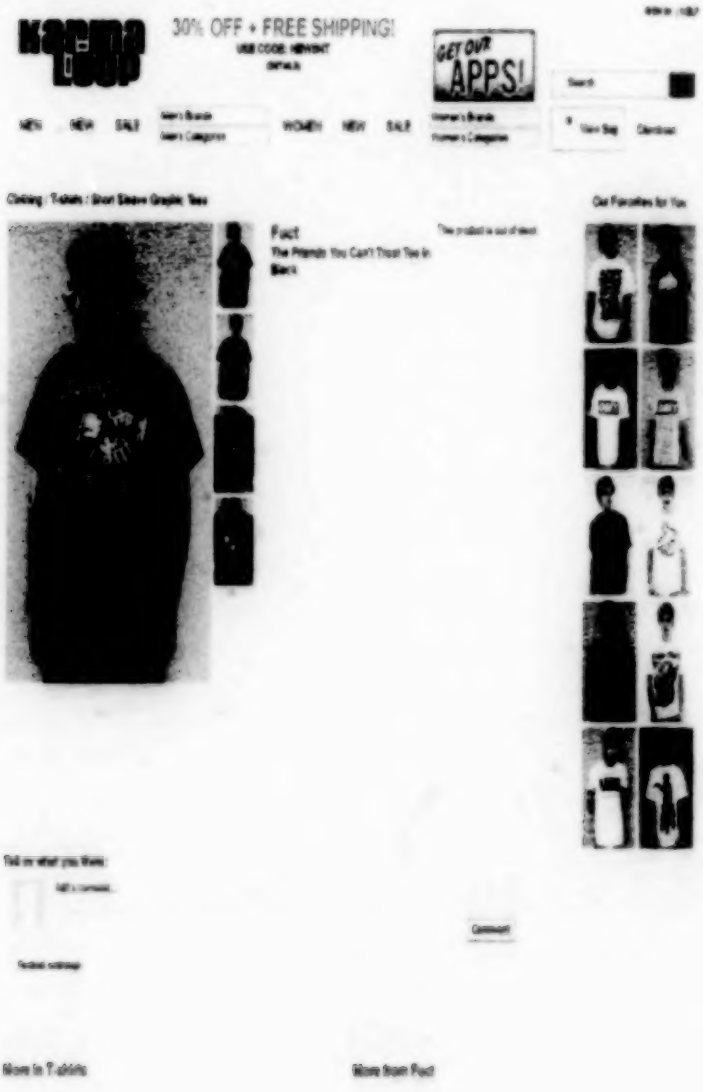
12. The word "fucked" means "to be cheated" or the same meaning as "screwed" or "everything is messed up." I am informed that the U.S. Patent & Trademark Office does not consider "screwed" to be vulgar since it has approved a number of registrations. Exhibit "7." So my brand should not be discriminated against.

13. The failure to allow FUCT to be registered makes it more difficult to protect the FUCT brand in the USA and worldwide.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ ERIK BRUNETTI
ERIK BRUNETTI

**Exhibit 4**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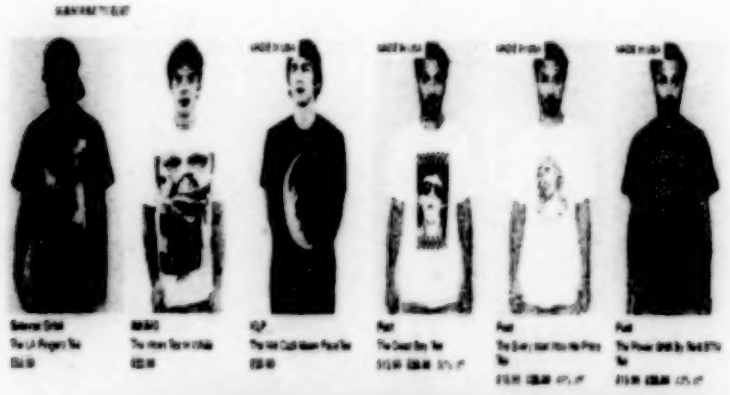

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Norsk (bokmål)
Română
Русский
Slovenčina
Türkçe
中文

# Fuck

From Wikipedia, the free encyclopedia
Redirected from Fuck (word)

*This article is about the profanity. For other uses, see Fuck (disambiguation).*

**Fuck** in its literal meaning refers to the act of sexual intercourse. It is an English word that is almost universally considered vulgar. It is often used as a profanity, either to denote disdain or as an interjection.

The origin of the word is obscure. It is usually considered to be first attested to around 1475, but it may be considerably older. In modern usage, *fuck* and its derivatives (such as *fucker* and *fucking*) can be used in the position of a noun, a verb, an adjective or an adverb. There are many common phrases which make use of the word, as well as a number of compounds incorporating it, such as *motherfucker*.

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## Offensiveness

The word's use is considered obscene in social contexts, but may be common in informal and domestic situations. It is unclear whether the word has always been considered vulgar, and if not, when it first came to be used to describe (often in an extremely angry, hostile or belligerent manner) unpleasant circumstances or people in an intentionally offensive way, such as in the term *motherfucker*, one of its most

derogatory manner), unpleasant circumstances or people in an intensionally offensive way, much as in any such combination, and as in many common usages in some parts of the English-speaking world. In the modern English-speaking world, the word *fuck* is often considered highly offensive when English-speaking countries censor it on television and radio. A study of the attitudes of the British public found that *fuck* was considered the third most severe profanity and its derivative *motherfucker* second. *Cunt* was considered the most severe (Hargrave, 2008). Some have argued that the prolific usage of the word *fuck* has de-sexualized it, an example of the "dysphemism treadmill." Despite its offensive nature, the word is common in popular usage.

The term remains a taboo word to many people in English-speaking countries. The word also carries a sacrilegious connotation to some. [*citation needed*] Many religious people oppose the use of profane, vulgar, and "curse" words which they see as offensive to a deity. It is considered highly offensive to utter the word in the presence of children.

The Canadian Press now considers the word to be commonplace and has added usage advice to the *Canadian Press Caps and Spelling guide*.[1]

## Etymology

The *Oxford English Dictionary* states that the ultimate etymology is uncertain, but that the word is "probably cognate" with a number of native Germanic words with meanings: *penetrate, striking, rubbing,* and *having sex*.[2]

### "Fren, flyys and frenis"

The usually accepted first known occurrence is in code in a poem in a mixture of Latin and English composed some time before 1630. The poem, which satirizes the Carmelite friars of Cambridge, England, takes its title, "Fren flyys", from the first words of its opening line: *Fren flyys, and frere lyn* ("Friars flies, and friars lie"). The line that contains *fuck* reads *Non sunt in coreL, qoau gaskBoue wnuuf pg rfnck*. Removing the substitution cipher (here, replacing each letter by the next letter in alphabetical order, as the English alphabet was then) on the phrase "*gaskBoue wnuuf pg rfnck*" yields *non sunt in coreL, qoau fecerunt vmyor ad feck*, which translated means, "They are not in heaven because they fuck wives at Eely".[3] The phrase was coded likely because it accused some Church personnel of misbehaving; it is uncertain to what extent the word *fuck* was considered acceptable at the time. (The stem of *fecerunt* is an English word used as Latin. English-medieval Latin has many examples of writers using English words when they did not know the Latin word; "wodewrannes" is an example.) In the Middle English of this poem, the term *wife* was still used generically for "woman."

### Older etymology

#### Via Germanic

The word has probable cognates in other Germanic languages, such as German *ficken* (to fuck), Dutch *fokken* (to breed, to strike, to beget), dialectal Norwegian *fukka* (to copulate), and dialectal Swedish *fokka* (to strike, to copulate) and *fock* (penis).[4] This points to a possible etymology where Common Germanic *fuk-* comes from an Indo-European root meaning "to strike" cognates with non-Germanic words such as Latin *pugnus* "fist".[5] By reverse application of Grimm's law, this hypothetical root has the form **pug-*. In early Proto-Germanic the word was likely used at first as a slang or euphemistic replacement for an older word for "intercourse," and then became the usual word for "intercourse."[*citation needed*]

Yet another possible etymology is from the Old High German word *skiuhan* meaning "to plow, as in a field." This is supported in part by a book by Carl Jung, *Psychology of the Unconscious: A Study of the Transformations and Symbolisms of the Libido*, in which he discusses the "primitive play of words" and the phallic representation of the plough, including its appearance on a vase found in an archaeological dig near Florence, Italy, which depicts six erect penises men carrying a plow.

The original Indo-European root for to copulate is likely to be "*h*$_3$*eyH*$^{1}$– or "*h*$_3$*ewH*$^{1}$–, which is attested in Sanskrit *inóti* (*enóti*), Russian *ebat'* (*ebat'*), Polish *jebać*, and Serbian *jebem* (*jebem*), among others; compare the Greek verb *oipu* (*oipō*) = "I have sex with", and the Greek noun *Ζέφυρος* (*Zéphyros*) (which references a Greek belief that the west wind *Zephyros* caused pregnancy).

#### Via Latin or Greek

- Other possible connections are to Latin *futuere* (almost exactly the same meaning as the English verb "to fuck"), but it would have to be

- [illegible] explained how the word reached Scandinavia from Roman contact, and how the *f* became /k/.[citation needed] From Kilwa came French *foutre*, Catalan *fotre*, Italian *fottere*, Romanian *fotere*, vulgar peninsular Spanish *follar* and *joder*, and Portuguese *foder*. However, there is considerable doubt and no clear lineage for these derivations. These roots, even if cognates, are not the original Indo-European word for to copulate, but Weyland Young (who agrees that these words are related) argues that they derive from the Indo-European "*bʰ*ŏ-" or "*bʰ*ŏ-" ("fist", "hammer"), or as causative "create" (see Young, 1964). A possible intermediate might be a Latin 4th declension verbal noun **fŭtus*, with possible meanings including "act of (penis) rutting".
- Greek *χύω* (*khýo*) has various meanings, including (of a man) "to beget", or (of a woman), "to give birth to".[4] Its perfect passive (*mipuxa*) can be likened[citation needed] to "fuck" and its equivalents in other Germanic languages.[4]

### False etymologies

One reason that the word fuck is so hard to trace etymologically is that it was used far more extensively in common speech than in easily traceable written forms. There are several urban legend false etymologies postulating an acronymic origin for the word. None of these acronyms was ever recorded before the 1960s, according to the authoritative lexicographical work *The F Word*, and thus are backronyms. In any event, the word fuck has been in use for too long for some of these supposed origins to be possible. Some of these urban legends are that the word fuck came from Irish law. If a couple were caught committing adultery, they would be punished "For Unlawful Carnal Knowledge in the Nude," with "FUCKN" written on the stocks above them to denote the crime. A similar variant on this theory involves the recording by church clerks of the crime of "Forbidden Use of Carnal Knowledge." Another theory is that of a royal permission. During the Black Death in the Middle Ages, towns were trying to control populations and their interactions. Since uncontaminated residences were scarce, many towns required permission to have children. Hence, the legend goes, that couples that were having children were required to first obtain royal permission (usually from a local magistrate or lord), and then place a sign somewhere visible from the road in their home that said "Fornicating Under Consent of King," which was later shortened to "FUCK." This story is hard to document, but was persistent in oral and literary traditions for many years; however, it has been disreputated to be an urban legend.[5]

## Early usage

Its first known use as a verb meaning to have sexual intercourse is in "Flen flyys," written around 1475.

William Dunbar's 1503 poem "Ballad of Wyllyng" includes the lines "Yit be he lattis me walk haue fulfill, / Yit lemk my hair, my tarry arss" (ll. 13–14).

John Florio's 1598 Italian-English dictionary, *A Worlde of Wordes*, included this term, along with several now archaic, but then vulgar synonyms, in this definition:

- Fottere. *To jape, to sport, to fucke, to swive, to occupy.*

Of these, "occupy" and "jape" still survive as verbs, though with less virulent meanings, while "swive" was a descendant of the Anglo-Saxon verb *swefan* (or *swebban*, <ON *sveifa*), to copulate, and "swive" had derived from *svifan*, to revolve i.e. to swivel (compare modern-day "screw").

While Shakespeare never used the term explicitly, he hinted at it in comic scenes in a few plays. *The Merry Wives of Windsor* (IV.i) contains the expression *Acome* cade (see vocative case). In *Henry V* (V.iv), Pistol threatens to *frit* (strike) a soldier, a euphemism for *fuck*.

## Rise of modern usage

Though it appeared in John Ash's 1775 *A New and Complete Dictionary*, listed as "low" and "vulgar," and appearing with several definitions,[6] fuck did not appear in any widely consulted dictionary of the English language from 1755 to 1900, its first appearance in the Oxford English Dictionary (along with the word cunt) was in 1972. There is anecdotal evidence of its use during the American Civil War.[citation needed]

## Modern usage

[illegible] to look at its linguistic life. It is also used as a non-gendered equivalent of the idea. Some instances of the word can be taken at face value, such as "Let's fuck," "I would fuck this/her," or "favorite fucks." Other uses are [illegible]. The sexual connotation usually remains as a reminder, in the case of "go fuck yourself" or "go fuck yourself in the ear", or implied, as more additional examples, in [illegible] usage or outrage. For example, "Fuck that!" "Fuck off!" or "Fuck you!" By itself, fuck usually used as an exclamation indicating surprise, pain, fear, disgust, disappointment, anger, or a sense of extreme egoism. In this usage, there is no [illegible] to the sexual meaning of the word implied, and is used purely for its "strength" as a vulgarity. Additionally, other uses are similarly required. Such [illegible] such as the fuck or "fucking" could be removed and retain a sentence of identical syntactical meaning. For example, my cousin, then used the word fucking as an emphatic adjective ("I'm the fucking tour") for the word's emphatic [illegible].

[illegible] of the most [illegible] used as an example for displaying the [illegible] of an English-language word. This is the use of fuck as more specifically fucking as an "-ing" or [illegible] gerund (i.e. existing, existing). For example, the word [illegible] [illegible] source as acceptable to the English ear, and is in fairly common use, while [illegible] [illegible] would very clearly. Though depending on the context, this might be perceived as a humorous representation of the word. Also, fucking today and motherfucking are also [illegible] uses of fuck as an -ing. While neither [illegible] nor connected to the sexual connotations of the word, even the exclusive usage of [illegible] [illegible] and [illegible], and [illegible] in some models, for example, "Name of you, fucking superstar" or "Shut the fuck up!" A common usage is "Get fucked", which in a non-[illegible] context would translate as "get stuffed." The word is one of the few that has legitimate [illegible] usage as a verb, adverb, adjective, [illegible], [illegible], [illegible], [illegible], noun and pronoun.

In another usage, the word fucker is used as a term of endearment rather than derogatory. This usage is not uncommon, to say "you're one great fucker" is often a term of affection. However, because of its ambiguity and vulgarity, the word fucker in reference to another person can easily be misinterpreted. Though fucker can serve as a noun, the fucker form is used in a context that refers to an [illegible]. Normally in these cases, it took a word instead of fucker, the sentence refers to the sexual ability of the subject (for example, "He's a great fucker"). Although confusingly in a romantic, of succession, the word "fuck" can hold exactly the same meaning as fucker (e.g. when preceded by an adjective, "You're a really great fuck.")

Finally, to fucker is the most multifaceted. Sometimes used as an adjective itself—an accusation of more—this form is also [illegible] and its [illegible] [illegible] use. For example, "He's a [illegible] motherfucker" does not mean "He's abusive. Why are [illegible] with his mother," but "He's someone to be afraid of." In this context, some gang members might even describe themselves as "motherfuckers." The word fuck is used in many forms of music, with motherfucker being used as a rhythmic filler in hip hop, urban music and some rock genres' examples include "The Orchid Mistress's song "Name of the Game" and Futureglo's "Don't Say Motherfucker Motherfucker" [illegible] motherfucker's mysterious [illegible] is due to its [illegible], [illegible] in making it a staple in the popular music that is written in 64 meters. Also contributing to its use in aggressive, high-energy music is the fact that it includes a hard "k" sound in its first syllable, making it easy to scream, particularly when pronounced as "motha fucka". Despite these rhythmic qualities, motherfucker has not become as accepted in English usage as its root fuck.

A more succinct example of the flexibility of the word in its use in idiomic ways went in a sentence. In his book, Wartime: Understanding and Behavior in the Second World War, Paul Fussell, literary historian and [illegible] emeritus of English [illegible] at the University of [illegible], recounted:

> Once, on a misty Scottish parade, an airman was changing the insignia on the epaulet of a Washington barrister. Suddenly his enemy slipped and he flung it on the ground and shouted, "Fuck! The fucking farmer's backed." The bystanders were all quiet and solemn. Had he had dropped a bird and shouted his true thing?[1]

The phrase "fuck you, you fucking fuck" is a memorable gem from the more [illegible] novel Fight Club, and a cult-[illegible] song in itself is Snapping Young Lad's "You Suck" from their 2006 album The New Black. Another example is "Fuck the Fucking Fuckers" because of its vulgar status. The word fuck is usually restricted in music [illegible] and banned from [illegible] in the United States. In 2002, when the [illegible] from the Stone Roses (2002) was released in the U.S., its title was changed to Fools Like, rather than the band Fuck Me, though the lyrics were [illegible] to reflect. Similarly, the Swedish film Fucking Åmål was retitled Show Me Love.

Other forums are public, such may cancel the word by use of [illegible]. For example, Fox Cable censors the word fuck with [illegible]. There [illegible] the word are especially [illegible] in cases of [illegible] [illegible] artists. To avoid these filters, many artists will use

http://en.wikipedia.org/w/index.php?title=... 12/26/2011 8:xx:xx AM

Others include the word with asterisks ("f**k"), partially or with other substitutions, usually when quoting what was said by others. This particular alteration is a common usage at the Massachusetts Institute of Technology, where students use it in reference to the machine on MIT's neoclassical buildings, in which the letter *C* is replaced by *X*. A typical usage in this vein would be "I'm locked by the macine." Other less common spellings to cheat a censor are "fuck" and "phuck". Another way to bypass a word filter is to use text, both the letters F[_]CK or FU_CK, for example.

The word *fuck* is a component of many acronyms, some of which—like *SNAFU* and *FUBAR*—date as far back as World War II. Many more recent usages, such as the shortened "WTF" for "what the fuck", "STFU" for "shut the fuck up," or "FML" for "fuck my life," have also widely existed on the Internet, and may count as examples of memes. Many acronyms will also have an "f" or "fk" added to increase emphasis, for example, "OMG" ("oh my God") becomes "OMFG" ("oh my fucking God"). Abbreviated versions of this word tend not to be considered as offensive. Despite the prevalence and ubiquity of the word, several comedians rely on *fuck* for comedic purposes. George Carlin created several literary works based upon the word. Other comedians who use or used the word consistently in their routines include Billy Connolly, Doris Kapy, Jean Black, Andrew Dice Clay, Chris Rock, Richard Pryor, Eddie Murphy, and Sam Kinison.

## Examples of more recent usage

In 1991, D. H. Lawrence's novel *Lady Chatterley's Lover* gained notoriety for its frequent use of the words *fuck*, *fucked*, and *fucking* (which censored).

Perhaps the earliest usage of the word in sound movie was the 1938 Early Autumn release of the Louis Armstrong song "Ol' Man Mose" (movie version).

The liberal usage of the word (and other vulgarisms) by certain artists (such as James Joyce, Henry Miller, Lenny Bruce, Peter Cook and Jonathan Miller, in their various and often overlapping spheres of influence) led to the banning of their works and criminal charges of obscenity.[citation needed]

*The Catcher in the Rye* by J. D. Salinger featured the use of *fuck you* in print. First published in the United States in 1951, the novel remains controversial to this day due to its use of the word, standing at number 13 for the most banned books from 1990–2000 according to the American Library Association.[5]

The first documented use of the word *fuck* on the British television (and probably on any television system) has been attributed to theatre critic Kenneth Tynan in 1965. Controversy also ensued in 1976 when Today host Bill Grundy interviewed the Sex Pistols, after guitarist Steve Jones called Grundy a "dirty bastard" and a "fucking rotter".[6] (see EMI and the Grundy incident)

## Use in politics

Profanity is not widely used in politics, and any use by notable politicians tends to produce controversy. Some events of the nature include:

- In 1965, U.S. President Lyndon B. Johnson said to the Greek ambassador Alexandros Matsas when he objected to American policy in Cyprus, "Fuck your parliament and your constitution. America is an elephant, Cyprus is a flea. Greece is a flea. If these two fleas continue itching the elephant, they may just be attacked by the elephant's trunk, whatever goes."[7][8][9]
- During the 1968 Democratic National Convention, Chicago mayor Richard Daley became so enraged by a speech from Abraham A. Ribicoff that he shouted "Fuck you!"[7][10] Daley would also cover that he was shouting "You Jew, you" and calling Ribicoff a "Jew".[11] On the last night of the same convention, which was President Johnson's birthday, a huge crowd of thousands of yippies, hippies and anti-Vietnam war protesters was formed. Whilst on live simultaneously making "Fuck you, Lyndon Johnson!"[7][8][12][13]
- During debate in February 1977 in the Canadian House of Commons, Canadian Prime Minister Pierre Trudeau mouthed the words "fuck off" under his breath (perhaps almost identify) at Conservative MP John Lundrigan, while Lundrigan made some comments about unemployment. Afterward, when asked by a television reporter what he had been thinking, Trudeau famously replied "What is the nature of your thoughts, gentlemen, when you say 'fuddle duddle' or something like that?" "Fuddle duddle" consequently became a catchphrase in Canadian media associated with Trudeau.[14]
- The first accepted modern use in the British House of Commons came in 1982 when Reg Race, Labour MP for Wood Green, referred to actions allegedly made by constituents which read "There there and fuck them." However, the full extent of remarks, termed "f**** them", had been thus euphemism was deprecated by the Speaker, George Thomas.[15]
- Shortly after Tony Blair was elected Leader of the Labour Party, he then MP Labour MP George Galloway told a public meeting "I don't give a fuck what Tony Blair thinks" when questioned about his party's move to the right.[16]

- In late 2002, US presidential candidate Senator John Kerry used the word fuck in an interview with Rolling Stone following his vote in favor of the resolution authorizing President George W. Bush to use military force in Iraq. Senator John Kerry stated, "I voted for what I thought was best for the country. Did I expect Howard Dean to go all to the left and say, 'I'm against everything?' Sure. Did I expect George Bush to fuck it up as badly as he did? I don't think anybody did."[20]
- In June 2004, during a heated exchange on the U.S. Senate floor about Haliburton's role in the reconstruction of Iraq, Vice President Dick Cheney told Democratic senator Patrick Leahy, "Go fuck yourself." Coincidentally, Cheney's outburst occurred on the same day that the Defense of Decency Act was passed in the Senate.[21]
- In February 2006 (Australia), New South Wales Premier Morris Iemma, while awaiting the start of a Council of Australian Governments media conference in Canberra, was chatting to Victorian Premier Steve Bracks. Not realising cameras were operating he was recorded as saying "Today? The fuckwit who's the new CEO of the Cross City Tunnel has ... been saying what controversy! There is no controversy."[22] The exchange referred to the newly appointed CEO of a recently opened toll road within Sydney.
- On January 31, 2007, New York Governor Eliot Spitzer angrily reacted to Assembly Minority Leader James Tedisco, "Listen, I'm a fucking steamroller, and I'll roll over you and anybody else." According to The New York Post, Spitzer confirmed the exchange the following day.[23]
- In 2007, U.S. Senator John Cornyn objected to John McCain's perceived intrusion upon a Senate meeting on immigration, saying, "What a shocker here. I've been sitting in here for all of these negotiations and you just parachute in here on the last day. You're out of line." McCain, known for his short temper,[24] replied, "Fuck you! I know more about this than anyone else in the room."[25][26]
- In April 2007, New Zealand Education Minister Steve Maharey said "fuck you" to a fellow MP during parliamentary question time.[27] He apologized shortly afterwards.
- In December 2008, an audio telephone conversation revealed Illinois Governor Rod Blagojevich trying to "sell" an appointment to the Senate seat that Barack Obama resigned after being elected President. In the phone conversation, Blagojevich said in reference to his power to appoint a new senator, "I've got this thing and it's fucking golden and I'm not just giving it up for fucking nothing." In the recorded conversations, Blagojevich also referred to Obama as a "motherfucker" and repeatedly said "fuck him." When questioning of the Obama administration's request that Valerie Jarrett be appointed as Obama's replacement, Blagojevich complained, "They're not willing to give me anything except appreciation. Fuck them." Blagojevich also said Tribune Company ownership should be told to "Tell those fuckers" in reference to Chicago Tribune editorial criticism of him.[28]
- In December 2009 in Dáil Éireann, Paul Gogarty responded to heckles from Eamon Ó Cuív with the outburst, "With all due respect, in the most unparliamentary language, fuck you, Deputy Ó Cuív. Fuck you."[29][30] Gogarty immediately withdrew the remarks and also made a personal statement of apology.[29] Proceedings of the outburst quickly spread by media and the Internet.[30] A subcommittee of the Dáil's standing committee on procedures and privileges produced a 26-page report on the incident.[29]
- On March 23, 2010, U.S. vice president Joe Biden whispered into President Barack Obama's ear, "This is a big fucking deal" while referring to the U.S. health care reform bill. His words were picked up by microphones and video.[31]
- On May 3, 2010, Canadian senator Nancy Ruth advised representatives of women's groups to "shut the fuck up" on access to abortion in the run-up to the 40th G8 summit.[32]

### Use in marketing

In April 1997, clothing retailer French Connection began branding their clothes "fcuk" (usually written in lowercase). Though they received a slew of complaints for French Connection United Kingdom, its similarity to the word "fuck" caused controversy.[33] French Connection fully capitalized this and produced an extremely popular range of t-shirts with messages such as "fcuk this", "not as fcuk", "who's fcuk", "fcuk me", "fcuk her", "too busy to fcuk", "fcuk festival", "fcuk fascism", "fcuk fear", "fcuk on the lawn", "the joy of fcuk", etc.

In 2009, the European Union's OHIM trade marks agency disallowed a German brewery to market a beer called "Fucking Hell". They went and on 25 March 2019 got permission to market the beer. They claim that it is actually named after the Austrian village Fucking and the German word for light beer, Hell.[34]

### Band names

The word "fuck" has been used in a number of band names, generally based on common compounds. Although most of these bands are in the mainstream, some have obscure names of years and more, others fall into the categories of more accessible forms of electronic rock and

the expression, over many centuries, of pure and moral. Others felt that the obligations of many acquaintances were of a superficial nature and [illegible]

## Holy fuck

"Holy fuck" is a widely used example of "religious profanity used interjectionally to express anger, contempt, disgust, or amazement. Usually vulgar,[38] Native to academics,[39][40] and used in literature,[39][40][41] deriving its power from a combination of the sacred, holy, and the profane, fuck. An exclamation, similar to "holy shit", but more offensive, also used informally for sex within a religious context. [citation needed]

## Machine mistranslation

The word took occurs sometimes in Chinese/English bilingual public notices in China as a machine translation of the Simplified Chinese character 干 (Gān) or Traditional Chinese character 乾 (Qián) which can also mean "dry" and "do," e.g., "spread to fuck the fruit" for "cross chest fruit," "fuck to adjust the area" for "dry measuring section," and "fuck the certain piece of ground" for "dry fronts prior country". The fault occurred in some versions of commonly-used Chinese to English machine translators, for example Jinshan (金山 = "Gold Mountain") by Kingsoft.[42]

## F-bomb

The term "F-bomb" surfaced in newspapers more than 20 years ago[when?] and in 2012 was cited, for the first time, in the mainstream Merriam-Webster's Collegiate Dictionary.[43]

## Censorship

The films *Ulysses* and *I'll Never Forget What's'isname* (both 1967) are contenders for being the first film to use the word fuck, although the word "fuckbag" is clearly mouthed silently in the film *Sons We Remarked* (1940), and the title character says it in the cartoon *Boosters Picture Show* (1933). Since the U.S. adoption of the MPAA film rating system, use of the word has been accepted in R-rated movies, and under the older rules, use of the word in a sexual way would automatically cause the film to be given an R rating. Later changes eased advice for a maximum of three non-sexual and sparingly exclamatory uses of the word in PG-13 movies.[44][when?][needs update]

On August 19, 1968 the word rock band Jefferson Airplane played their song *We Can Be Together* unbroadcast on *The Dick Cavett Show*, including the 60's counterculture slogan "Up against the wall, motherfucker" (which was also the name of an anarchist group at that time). This was the first appearance of the word on U.S. television.[45]

In 1970, John Lennon successfully got the word past the censors on his song "Working Class Hero" with the lines "They hate you if you're clever and they despise a fool, till you're so fucking crazy you can't follow their rules" and "You think you're so clever and classless and free, but you're still fucking peasants as far as I can see."

Since the 1970s, the use of the word "fuck" in R-rated movies has become so commonplace in mainstream American movies that it is rarely noticed by most audiences. Nonetheless, a few movies have made exceptional use of the word, to the point where such films as *Fuck: Good Will Hunting*, *Casino*, *The Last Detail*, *Menace II Society*, *The Big Lebowski*, *The Departed*, *Scarface* (1983), *Pulp Fiction*, *Blue Velvet*, *South Park: Bigger, Longer & Uncut* and *Goodfellas* as well as the HBO TV series *The Sopranos* are known for its excessive use. In the movie *Meet the Parents*, and its sequels *Meet the Fockers* and *Little Fockers*, the main characters last name of "Focker" is a running joke. In the popular comedy *Four Weddings and a Funeral*, it is the chief word, repeatedly uttered, during the opening few minutes. In HBO's TV series *The Wire*, Season 1, Episode 4, entitled "Old Cases," there is a long segment in which two homicide detectives, working a crime scene, communicate using only variations of the word "fuck". To many, one of the most humorous tirades demonstrating various usages of the word appears in the comedy *Planes, Trains & Automobiles* (1987), where Steve Martin expresses his dissatisfaction at his treatment by a rental car agency. The movie *Stranger Than Fiction* inserted a scene in the middle of the film to explain to audiences that movies with an R rating are more popular than those carrying a PG rating, which the movie would easily have had. He ends his address with "the producers of this motion picture have asked me to take this opportunity to say 'Fuck you'", at which time the MPAA R-rating banner appeared.

In cinema PG-rated movies, however, the word is used, mainly because at the time there was no PG-13 rating and the MPAA did not want

[illegible] to give the [illegible] R ratings, for instance, *All the President's Men* (1976) where it is used seven times, *The Rose And Knight* (1972), where it is used twice, and *The Right Stuff* (1983) where it is used five times. *Spaceballs* (1987) is one of at least four examples of that it was rated PG after the 1984 introduction of the PG-13 rating, yet it includes Dark Helmet's line, "Out of order?! Fuckin' Einer in the future nothing works!" The second is *Big* (1988) which has the character of Billy (actress Tom Hanks's character, "Who the fuck do you think you are?" The third is *Beetlejuice* (1988) which has the character Betelgeuse kick over a table three and scream, "more fucking movies!"[45] The fourth is 1998's *Cradle Will Rock* where Randy Quaid's character shouts out he is going to smash down a door with a "fucking baseball bat."

In the 1993 film "Sidney Sheldon," Sidney Malone's character Danie DeMarco is edited from the line "Well, fuck that" to "Well, screw that!" The change was made to avoid a PG-13 rating, and the original line is obvious when reading her lips.

Films edited for broadcast use euphemisms so that lip synching will not be thrown off. One televised version of *Quentin Tarantino's Jackie Brown*, for instance, had the actors dub in the words "fricken," and another former for "fuck," "nigger," and "motherfucker," respectively. In similarly dubbed versions of *Die Hard* and *Die Hard 2*, Bruce Willis' catchphrase "Yippee-ki-yay, motherfucker" is replaced by "Yippee-ki-yay, Mister Falcon" or "Yippee-ki-yay, Hermo Sailor." Similarly, the TV broadcast edit of *Shadow on a Plane* has Samuel L. Jackson saying "I have had it with these monkey-fucking snakes on this Monday-to-Friday plane," preventing two occurrences of motherfuckers.[47] In the film *The Big Lebowski*, John Goodman's character repeatedly yells, "This is what happens when you fuck a stranger in the ass!" while brandishing a car. It was ridiculously censored on television as "This is what happens when you find a stranger in the Alps."[48] The character also repeatedly says to Steve Buscemi's character "Shut the fuck up, Donny!" or "Donny, shut the fuck up!" in the television version, fuck is censored with *hell*.

Many stand-up comedians who perform for adult audiences do make liberal use of the word fuck. While George Carlin's use of the word was an important part of his stage persona, other comedians (such as Andrew Dice Clay) have been accused of substituting vulgarity and obscenity for genuine creativity through overuse of the word. Billy Connolly and Lenny Bruce were pioneers of the use of the word in their shows to general audiences.

Recently, the hip-hop group Black Eyed Peas' hit song "Don't Phunk With My Heart" was only played as many radio stations in an edited version. "Don't Mess With My Heart." Jessica Biel's first major song, *You're Beautiful*, featured the line "she could see from my face that I was fucking high" – this was censored to "flying high" for broadcasting purposes.

## Freedom of expression

In 1971 the U.S. Supreme Court decided that the mere public display of fuck is protected under the First and Fourteenth Amendments and cannot be made a criminal offense. In 1968, Paul Robert Cohen had been convicted of "disturbing the peace" for wearing a jacket with "FUCK THE DRAFT" on it, in reference to conscription in the Vietnam War. The conviction was upheld by the Court of Appeals and overturned by the Supreme Court. *Cohen v. California*, 403 U.S. 15 (1971).

In 1983, pornographer Larry Flynt, representing himself before the U.S. Supreme Court in a libel case, shouted, "Fuck this court!" during the proceedings, and then called the panel of nine justices (referring to Justices Warren E. Burger, William J. Brennan, Jr., Byron White, Thurgood Marshall, Harry Blackmun, Lewis F. Powell, Jr., William Rehnquist, and John Paul Stevens) and a token cunt (referring to Justice Sandra Day O'Connor). Chief Justice Warren E. Burger had him arrested for contempt of court, but the charge was later dismissed on a technicality.[49]

## Common alternatives

*Main article: Minced oath*

A conversation or writing, reference to or use of the word fuck may be replaced by any of many alternative words or phrases, including "the f-word" or "the F-bomb" (a play on "A-bomb" and "H-bomb"), or simply, *eff* (as in "What the *eff*" or "You effing fool!"). Also, there are many commonly used substitutes, such as flipping, frigging, fricking, freaking, feck, fudge or any of a number of similar sounding consonant words. In print, there are alternatives such as, "f***", "f---k", etc., or a string of non-alphanumeric characters, for example, "@&%#!$" and similar (especially banned in comic books).[citation needed]

A common replacement word used mainly on the Internet is "fuck", coined from the name of the Unix file system checking utility [50], a

Ruffhouse Corrections the Smallest and Farm Tracks' Appeal Tribunal in the mid-nineties 2000 were also used as a substitute for fuck. The word is sometimes jokingly used as a curse by fans, but its use in mainstream media is censored.[51] Similarly, the word "frell" is used as a substitute on the TV show Farscape, and Dr. Elliot Reid (played by Sarah Chalke) has frequently used the substitute "feck" on the TV show Scrubs.

The phrase fetch is a common substitute for fuck in Ireland, where it is considered to be less rude. Though still not acceptable in many contexts, it has come into occasional use across the UK in the last 15 years as a result of its frequent use in the Father Ted comedy series. Although the word is considered to be equally as rude as "fuck", its appearance in Father Ted and in a Magician's Order advert suggest the opposite.

The word firetruck is also used as an alternative, starting with "F" and ending with "uck".

Using the phonetic alphabet, "foxtrot uniform charlie kilo" is sometimes used.[citation needed]

## See also

- Bleep censor
- Censorship
- Euphemism
- List of films that most frequently use the word "fuck"
- Fuck, a brand of clothing
- Finger (gesture), a related hand gesture
- Four-letter word
- *The Unbeatable Carnal Knowledge*, 1991 album by American rock band Van Halen
- Fucking, Austria (name of a village)
- Raincoat impression
- Jane the Fucker
- Museums on Fuck: Show with Guest Lieutenant
- Profanity
  - Profanity by language
  - Profanity in American Sign Language
  - Profanity in English language
  - Profanity in science fiction
- Seven dirty words
- Sound diving

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[illegible]


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## Further reading


- Hoagland, Andrea Millwood (2000). Obscene Expletives?. London: Advertising Standards Authority, British Broadcasting Corporation, Broadcasting Standards Commission, Independent Television Commission.
- Jesse Sheidlower, *The F Word* (1999) ISBN 0-375-75636-8. Presents hundreds of uses of fuck and related words.
- Michael Swan, *Practical English Usage*, Oxford University Press, 1995. ISBN 0-19-431199-8.
- Wakefield Young, *Ernie Dennist: Sex in Western Society*. Grove Press/Odeon Books, New York 1964.
- Carl Jung, *Psychology of the Unconscious: A Study of the Transformations and Symbolisms of the Libido*. Moffat, Yard and Company, New York, 1916. Translated by Beatrice M. Hinkle, M.D., Neurological Dept. of Cornell University Medical School and of the New York Post Graduate Medical School.
- Richard Dooling, *Blue Streak: Swearing, Free Speech & Sexual Harassment*. (1996) ISBN 1-57143-071-8. Chapters on Barbara Teresa Smith, including the Twinkie, and the laws pertaining to their use.
- Fuck – documentary film by Steve Anderson (THINKFilm 2005)


## External links

- Re: the Clarey-Lester incident: Usenet Legend discusses how American newspapers decide whether or not to print fuck
- "Etymonline Etymology Dictionary" A Some etymological research on the word fuck
- Fuck – academic paper exploring the legal implications of the word, by Christopher M. Fairman, Ohio State University – Michael E. Moritz College of Law March 2006. Ohio State Public Law Working Paper No. 59.
- Archive.org – Jack Krueger, "The Word Fuck"


Look up fuck in Wiktionary, the free dictionary.

Listen to this article (1 hour)

This audio file was created from a revision of the "Fuck" article dated 2005-05-01, and does not reflect subsequent edits to the article. (Help/FAQ)

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Categories: Profanity | Sexual slang | Interjections | Sex


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Page 6

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK APPLICATION—PRINCIPAL REGISTER

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Serial No.: 85/310960

IN RE APPLICATION OF ERIK BRUNETTI

---

Application Date: May 3, 2011

---

**DECLARATION OF CHRIS GIBBS**

---

I, Chris Gibbs, declare and say:

1. I am the owner of the UNION store in Los Angeles, at 110 South LaBrea Ave., Los Angeles, CA 90036. I know the following facts to be true of my own personal knowledge. If called as a witness I could and would testify competently thereto.

2. My background is that I have been the owner and manager of the UNION store for 15 years. I have been actively involved in the street fashion or youth fashion industry for 15 years. I attend many of the trade shows, read most of the magazines and blogs that deal with youth culture in the United States, and spend much time talking to customers and others in the clothing industry (including store employees of my store and others, store managers, brand managers and owners of dozens of brands) about trends and brands. I feel that I can give useful opinions based upon my knowledge and experience.

3. To provide perspective on my store and the area where it is located I want to provide some background.

This portion of LaBrea is an important shopping district for youth fashion as, in addition to UNION, it includes the STUSSY, UNDEFEATED, AMERICAN RAG and the LA BREA BAKERY. The Los Angeles Times says "For more than two decades, a roughly 1.5-mile stretch of La Brea between Melrose Avenue and Wilshire Boulevard arguably has been the city's most diverse and densely packed district for Old World antiques, vintage furniture, contemporary décor and urban fashion." November 21, 2012. The August 30, 2011 issue of Cooling Hunting says: "From Japanese selvage denim to modern bohemian tunics, La Brea is quickly becoming one of the most creative shopping destinations in Los Angeles." Frommers.com says "La Brea Avenue (north of Wilshire Blvd.)—This is L.A.'s artiest shopping strip."

4. The UNION store is widely recognized as a leading retail outlet in the youth or street fashion industry. It has been in existence for 25 years. We carry dozens of brands, one of which is FUCT.

5. I do not view FUCT as immoral, obscene, scandalous, vulgar or otherwise offensive.

6. In the approximately three years that the UNION store has carried FUCT not once has a customer complained about the FUCT brand. Significantly, even though many mothers come in with their teenage children, not once has a mother complained to me about the FUCT brand. So I do not think customers would view the FUCT brand as obscene, scandalous, immoral, vulgar or offensive.

7. In addition to the physical UNION store at 110 South LaBrea Ave., Los Angeles, it has an internet

store that serves customers throughout the United States. We have carried FUCT on the webstore for approximately 3 years. We have not received any complaint from any state or territory in the United States, or elsewhere, about FUCT being obscene, scandalous, immoral, vulgar or offensive.

8. Not once has anyone told me that he or she understood FUCT to be anything other than a brand of clothing.

9. Not once has anyone told me that he or she understood FUCT on clothing to refer to "fuck."

10. If the public understood FUCT on clothing to refer to "fuck," I believe I would have heard it.

11. In my opinion, the vast majority of persons who shop for or who see it worn, the primary significance of FUCT is the name of a brand.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration is executed this 27th day of July 2013.

/s/ CHRIS GIBBS
CHRIS GIBBS

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK APPLICATION—PRINCIPAL REGISTER

---

Serial No.: 85/310960

IN RE APPLICATION OF ERIK BRUNETTI

---

Application Date: May 3, 2011

---

**SUPPLEMENTAL DECLARATION OF ERIK BRUNETTI**

---

I, Erik Brunetti, declare and say:

1. I am the founder of the FUCT brand. I know the following facts to be true of my own personal knowledge. If called as a witness I could and would testify competently thereto.

2. Since 1990, I have been actively involved in the street fashion or youth fashion industry. I have attended many trade shows, read many magazines and blogs that deal with youth culture in the United States, and spend much time talking to artists, designers, customers and others in the clothing industry. Based upon my experience I can opine about what is immoral, scandalous and vulgar. What is considered such has changed much over the last 23 years. Furthermore, I am a professional artist.

3. The FUCT brand does make comments about current political and societal issues, sometimes obvious, and sometimes subtly. But those comments are not scandalous, immoral or vulgar.

4. The use of FUCT by the brand clearly as a brand identifier, not as referring to "fuck." The exhibits below illustrate that.

5. Attached as Exhibit "7" are photographs of products sold under the FUCT brand.

6. Attached as Exhibit "8" are photographs of the printing on the neck (in lieu of a neck label) and labels.

7. The FUCT trademark is registered in other countries so that is why the ® symbol is used on products.

8. It is a significant problem for my business not to have a trademark registration in the home country for the FUCT brand. Among other problems, I cannot obtain an International Registration under the Madrid agreements.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this declaration is executed this 27th day of July 2013.

/s/ ERIK BRUNETTI
ERIK BRUNETTI

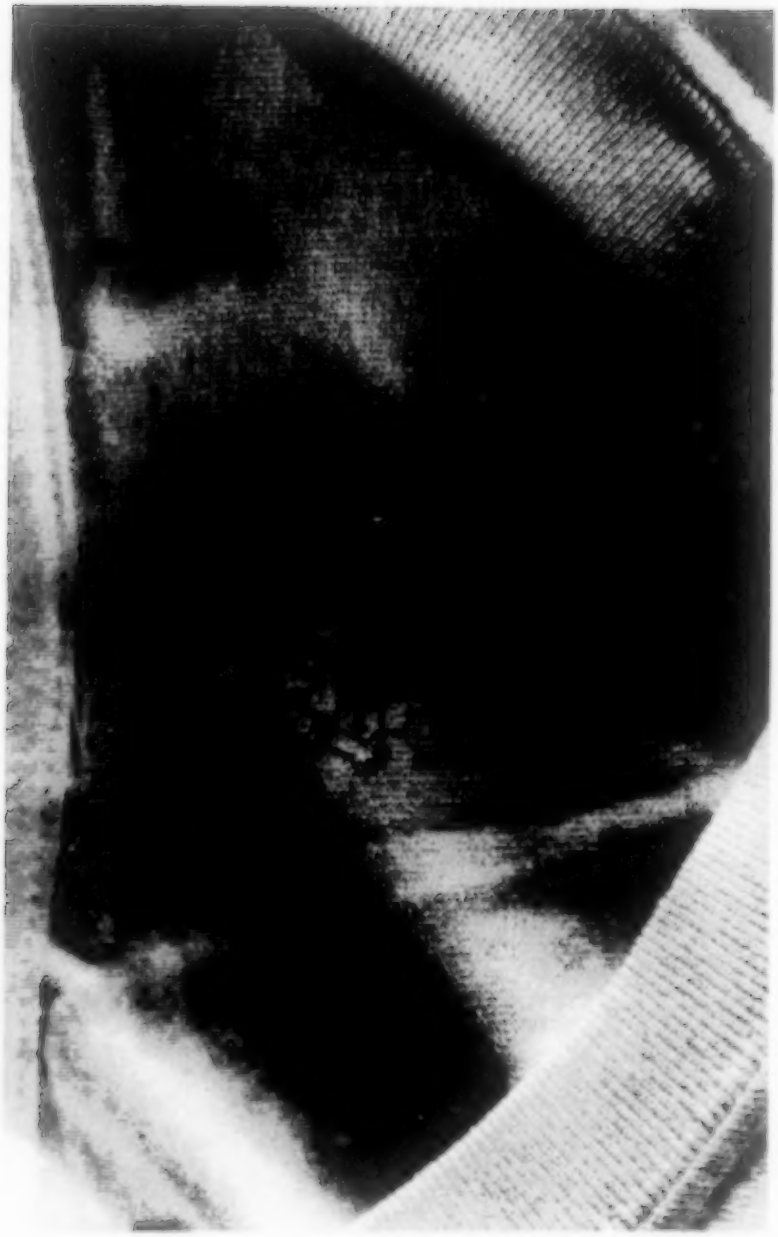
Applicant: Brunetti, Erik
Mark: FUCT
S/N: 85/310960

**Exhibit 7**

JUAREZ
FUCT
FUCT
fuct

Applicant: Brunetti, Erik
Mark: FUCT
S/N: 85/310960

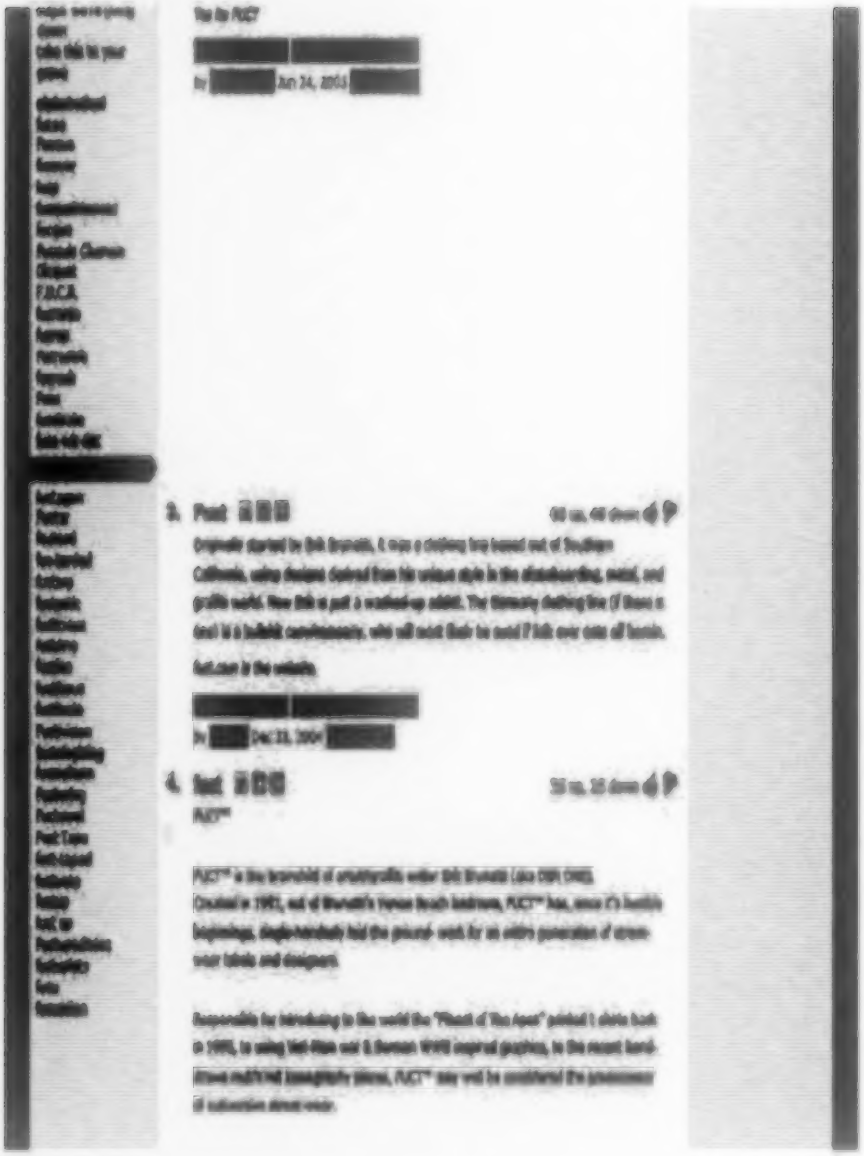
**Exhibit 8**

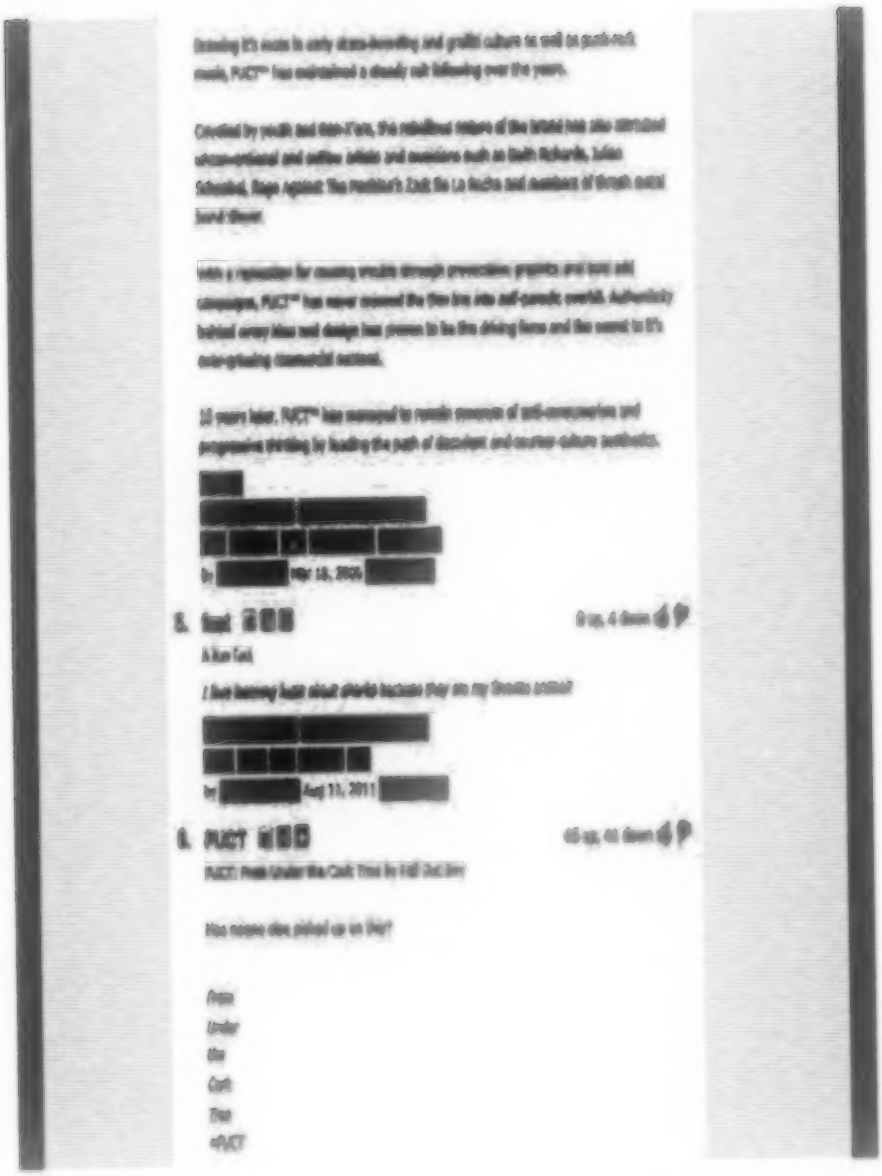


FUCT®
EST. 1991 // LOS ANGELES, CA
100% COTTON
MADE IN BANGLADESH

[redacted]

urban
fuct
search
1. fuct
73 up. 36 down
The past tense of the verb fuck. Also used to express a general state of incapability.
We are so fuct!
She fuct me like a dog in heat!
That's fuct up!
(Rural definition) Hey mum, I just fuct yer sent kind.
Random Word
2. fuct
56 up. 27 down
Technical word mean broken or beyond repair.
F.U.C.T
Failed
Under
Continuous
Twatting
Is they metric or broken?
advertise here
Yes its FUCT





[redacted]

by [redacted] Sep 24, 2006 [redacted]

7. fuct [redacted] 3 up, 1 down

fuct friends u can't trust

fuct for life bro

without a doubt brother

[redacted]

by [redacted] Mar 22, 2011 [redacted]

# *Chart*

## Offensiveness Refusals Under Section 2(a)

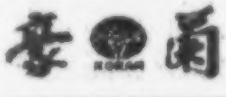
Examples of refusals clearly based upon viewpoint
Examples of the government selecting a "happy" or clean viewpoint
Examples of contradictory refusals

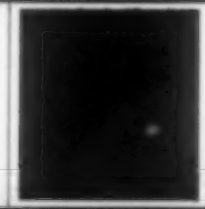
| | |
|---|---|
| F'D UP (Stylized) (a search of the PTO database for "FUCKED" brings up this mark) (Reg. No. 4495813) | FUCT (appellant herein) |
| FCUK – approved 8 times<br>FCUK AT HOME (Reg. No. 2910053) | FUCK |
| FWORD (SN 75/590854)<br>F*WORD FRIDAY (Reg. No. 4025107)<br>The F Word (Reg. No. 4642013) | F-WORD! (SN 78/455991) |
| FUBAR – registered 17 times | POTUS B. FUBAR (SN 86/901846) |
| MILF – approved at least 23 times<br>MILF WEED (Reg. No. 4495963) | MILF – refused at least 20 times |
| N-WORD (No. 86281488)<br>NIG (Reg. No. 2747415) | NIGGA (SN 76/423949) |
| PHUC (Reg. No. 4354653) | PHATPHUC (SN 85/023572) |
| S#*! THE BED (Reg. No. 5192367)<br>S#*! MY DAD SAYS (Reg. No. 4142745) | Apo S#!+ (SN 85/611740)<br>I DIDN'T VOTE FOR BU?! SH*#! (SN 78/166547)<br>NO S#!+ (*In re Jonas*, 2013 TTAB LEXIS 615 (T.T.A.B. 2013) (not precedential))<br>NO-SHIT (SN 77/913273)<br>S#!TS & GIGGLES ELK POOP ACCESSORIES (SN 85/542023) |
| WTF WORK? (Reg. No. 4332574) | |

*includes registered and marks approved for publication.

| | |
|---|---|
| <br>**BAD FROG BEER**, giving finger.<br>*(In re Bad Frog Brewery, Inc.*, 1999 TTAB LEXIS 86 (T.T.A.B. 1999) (not precedential)).<br>Violation of free speech for a state to refuse permission to use picture of frog giving the finger. *Bad Frog Brewery v. New York State Liquor Authority*, 134 F.3d 87 (2d Cir. 1998). | (SN 79/055664)<br>*(In re Lazaria, s.r.o.*, 100 U.S.P.Q.2d 1146 (T.T.A.B. 2011)) |
| | |
| **ANAL** – registered 17 times<br>**ANAL FANTASY COLLECTION** (Reg. No. 4507635) | |
| **ASS** – registered over 200 times | **ASSHOLE; A-HOLE PATROL** |
| **BADASS** – registered over 65 times | |
| **BEANER'S** (Reg. No. 2308859) | **FLIPS AND BEANERS** (SN 85/701322) |
| **CAMEL TOES** (Reg. No. 1872570) | **CAMEL TOE SURF WAX** (SN 85/354253) |
| **COCK; COCK 'N BULL; BUZZCOCK; COLD COCK** | **COCK SUCKER; KING COCK** (SN 86/500922) |
| **CUM TOGETHER** (Reg. No. 2844606) | **CUM TOGETHER** (SN 86/587023) |
| **CUMMERELLA** (Reg. No. 4628952) | **YOU CUM LIKE A GIRL** (SN 78682282) *(In re Carlson*, 2007 TTAB LEXIS 651 (T.T.A.B. 2007) (not precedential)) |
| **EDIBLE CROTCHLESS GUMMY PANTIES** (Reg. No. 2859081) | |
| **FOREPLAY** (in many forms) (Reg. No. 1185963); **69 FOREPLAY** (SN 85/092781) | **MASTURBATION-A-THON** (SN 76/553565) |
| **I AM STRUNG OUT LIKE A CRACK WHORE IN SPANDEX** (SN 85/334481) | |
| **INTERCOURSE ROUTE 69** (SN 78/723240) | (SN 78/697135) |
| **JACK OFF JILL** (Reg. No. 2363770) | **1-800 JACK OFF** – *(In re Boulevard Entertainment, Inc.*, 334 F.3d 1336 (Fed. Cir. 2003)) |
| **LAUGHING MY VAGINA OFF** (4401056) | **TWATT** (SN 77/792532)<br>**TASTY TWATS** (SN 77/384915) |

| | |
|---|---|
| MAKE YOUR OWN DILDO (Reg. Nos. 2801630 and 4055162) | |
| PARTY WITH SLUTS (Reg. No. 4388020) | |
| PINK TACO – registered 5 times | BUBBY TRAP (*In re Ronsdorf*, 171 U.S.P.Q. 443 (T.T.A.B. 1971)) |
| PUSSIES (Reg No. 4254281) | PUSSYWEAR (SN 75/743995) |
| SEXSOBERSUCKS (SN 86/778519) | |
| SHANK THE BI*@H (Reg No. 4672035) | |
| SLUT – registered at least 68 times | |
| | T-WATT (SN 77/792532)<br>TASTY TWATS (SN 77/384915) |
| VAGINA in many forms<br>WONDROUS VULVA PUPPET (Reg. No. 5043896) | |
| WHORE – registered 40+ times<br>WHORES FROM HELL (Reg. 4301873) | |
| WORD PROSTITUTE (Reg. No. 3186641) | THE CHRISTIAN PROSTITUTE (SN 85/951092) |
| [redacted] | |
| Marks showing input allowed:<br> | Marks showing output are refused:<br> <br>DOGSH!T<br>(Also, see various "SHIT" marks) |
| CRAP – registered over 70 times<br>FECES – registered multiple times<br>POOP – (registered many times) but SHIT is refused | A-HOLE PATROL; THE COMPLETE A**HOLE'S GUIDE TO....<br>BULLSHIT; BUILDING WITHOUT THE BULLSHIT (SN 86/861578) |
| [redacted] | |
| ARYAN NATIONS SADISTIC SOULS MC (SN 87/161084) | |
| CRACKER, HONKY, WASP, WHITEY | NIGGA (SN 76/639548) |
| KKK – registered at least 5 times<br>KU KLUX KLAM (Reg. No. 1158120) | |
| GRAMMAR NAZI (SN 87/350257)<br>NAZI VICTIMS COMPENSATION | COFFEE NAZI (SN 86/103763)<br>NAZI HUNTER (SN 76/100880) |

| | |
|---|---|
| TRUSTS (Reg. No. 2568614) | SURF NAZI (SN 77/758228) |
| [redacted] | |
| ALLAH MADE ME FUNNY – THE OFFICIAL MUSLIM COMEDY TOUR; CLUBALLAH – for Classes 14, 16, 25, 41 | |
| ATHEISTS FOR ALLAH (SN 78/939811) | |
| BIKERS AGAINST RADICAL ISLAM (SN 87/185552)<br>No action by PTO, even though application is over 10 months old. | |
| F*J*SERRA (Reg. No. 3687353) | |
| JEWS FOR JESUS – registered 5 times | |
|  – for "[illegible]" | KHOEAN – for "wine" (SN 77/072261) |
| MADONNA (Reg. 4645362 and 3306106) | MADONNA; MESSIAS; SENUSSI |
| SOCIAL NETWORKING FOR YOUR PENIS (Reg. No. 3512313) | GOD DOES NOT HAVE A PENIS (GDNHAP) (SN 77/212829) |
| [redacted] | |
| DAGO SWAGG (Reg. No. 4347624) | DAGO MARY'S (SN 78/954137) |
| SQUAW – at least 24 registrations<br>SQUAW VALLEY (Reg. No. 0670261) | SQUAW (*In re Squaw Valley Dev. Co.*, 2006 WL 1546500 (TTAB 2006))<br>GLAMOUR SQUAW (SN 85/846518) |
| | STOP THE ISLAMISATION OF AMERICA – 2(a) disparaging refusal issued in 2010 (*In re Geller*, 751 F.3d 1355 (Fed. Cir. 2014)) |
| WILD INJUN (Reg. No. 1673489) | URBAN INJUN (SN 77/186637) |
| [redacted] | |
| BITCH – allowed over 150 times<br>THE STAR BITCHES OF SPACE STATION *69* (SN 87/061852) | KICKABITCH (SN 77/735673) |
| DYKES ON BIKES (Reg. No. 332803)<br>DYKE NIGHT (Reg. No. 4146588) | 2 DYKES MINIMUM (SN 77/219520) |
| F•A•G FABULOUS AND GAY (2997761) | MARRIAGE IS FOR FAGS (77/477549) |
| (Reg. No. 4497191) | I'M COMFORTABLE WITH MY HOMOPHOBIA (SN 85/382063) |
| SLAVE, SEXY SLAVE (Reg No. 4727713) | |
| WIFE BEATER (Reg. 0836434) | |

| | |
|---|---|
| | **WIFE BEATER** (78/416303)<br>**WIFE BEATER CLOTHING AND APPAREL** (SN 77/747597) |
| [redacted] | |
| (Reg. 4327579 and 4387402) |  (SN 86/577413) |
| [redacted] | |
| | **CORPORATE MASTURBATION** (SN 77/747036) |
| **MUSLIM P.A.T.R.I.O.T. PROTECTING AMERICA THROUGH REAFFIRMING ISLAM'S OPPOSITION TO TERRORISM** (SN 85/909943) | **STOP THE ISLAMISATION OF AMERICA** – 2(a) disparaging refusal issued in 2010, but seems also could have been considered scandalous (*In re Geller*, 751 F.3d 1355 (Fed. Cir. 2014)) (SN 77/940881) |